IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL APPLICATION NO. 3008 OF 2004

IN

CRIMINAL APPEAL NO. 813 OF 2004

Dayanand Damodar Shanbhag .. Applicant

versus

The State of Maharashtra .. Respondents

...

Mrs.Daksha M. Shah with Mr.Rakesh Sharma for the applicant.

Mr. D.P. Adsule, APP for the State.

CORAM : V.M. KANADE, J

DATED : 8th October 2004.

P.C:-

1. Heard the learned counsel appearing on behalf of the applicant and the learned APP appearing on behalf of the State.

2. The applicant is convicted u/s.489C of the IPC

and are sentenced to undergo RI for one year. The original accused nos.1 and 4 Shailendra Tiwari and Shaikh Aslam Mohammed have been released on bail by order passed by this Court dated 11th August 2004 and 15th July 2004 respectively (Coram D.G. Deshpande, J). Similarly, the applicant was released on temporary bail by order dated 2nd July 2004 by the same Court. The applicants have been acquitted 7/s.489A, B and D of the IPC. So far no appeal has been preferred by the State against the order of acquittal though a reference is made in the Affidavit in reply filed by the learned APP has stated that he would like to prefer an appeal against acquittal. However, so far no appeal has been filed. The appeal is not likely to come up for hearing for quite some time. In view of this, the applicant is entitled to be released on bail. The applicant be released on bail in the sum of Rs.10,000/- with one or two sureties in the like amount. He shall report to the nearest police station once in a week, pending hearing and final disposal of the appeal.

V.M. KANADE, J